

1 JOSEPH P. RUSSONIELLO (CABN 44332)
United States Attorney

2 BRIAN J. STRETCH (CABN 163973)
3 Chief, Criminal Division

4 HANLEY CHEW (CSBN 189985)
Assistant United States Attorney

5 150 Almaden Boulevard, Suite 900
6 San Jose, California 95113
Telephone: (408) 535-5061
7 E-mail: hanley.chew@usdoj.gov

8 Attorneys for Plaintiff

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN JOSE DIVISION

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 FRITZ BRUNZ,

16 Defendant.
17

No. CR 07-00431 JF

**STIPULATION AND [PROPOSED]
ORDER EXCLUDING TIME FROM
FEBRUARY 23, 2009 THROUGH
APRIL 1, 2009 FROM CALCULATIONS
UNDER THE SPEEDY TRIAL ACT (18
U.S.C. § 3161)**

18 On February 18, 2009, defendant Fritz Brunz made his initial appearance before
19 Magistrate Judge Patricia V. Trumbull. Assistant Federal Public Defender Cynthia Lie appeared
20 on behalf of the defendant. Assistant United States Attorney Richard Cheng appeared for the
21 government. On February 23, 2009, the parties again appeared before Magistrate Judge
22 Trumbull, who ordered them to appear before United States District Court Judge Jeremy Fogel
23 on April 1, 2009 at 1:30 p.m. for a status conference in this matter.

24 The parties request that the Court enter this order documenting the exclusion of time
25 from calculations under the Speedy Trial Act, 18 U.S.C. § 3161, from February 23, 2009 through
26 April 1, 2009. The parties, including the defendant, stipulate as follows:

27 1. The defendant understands and agrees to the exclusion of time from calculations under
28

STIPULATION AND [PROPOSED] ORDER
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1 the Speedy Trial Act, 18 U.S.C. § 3161, from February 23, 2009 through April 1, 2009, based
 2 upon the need for the defense counsel to investigate further the facts of the present case. The
 3 government has already provided discovery and defense counsel needs additional time to review
 4 the discovery, evaluate further possible defenses and motions available to the defendant.

5 2. The attorney for defendant joins in the request to exclude time under the Speedy Trial
 6 Act, 18 U.S.C. § 3161, for the above reasons, and believes the exclusion of time is necessary for
 7 effective preparation of the defense; believes the exclusion is in the defendant's best interests;
 8 and further agrees that the exclusion under the Speedy Trial Act, 18 U.S.C. § 3161, should be
 9 from February 23, 2009 through April 1, 2009.

10 Given these circumstances, the parties believe, and request that the Court find, that the
 11 ends of justice are served by excluding from calculations the period from February 23, 2009
 12 through April 1, 2009, outweigh the best interests of the public and the defendant in a speedy
 13 trial under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

14 IT IS SO STIPULATED.

15
 16 JOSEPH P. RUSSONIELLO
 United States Attorney

17 Dated: February 26, 2009

18 /s/ Hanley Chew
 HANLEY CHEW
 Assistant United States Attorney

19
 20 Dated: February 26, 2009

21 /s/ Cynthia Lie
 CYNTHIA LIE
 Assistant Federal Public Defender
 Attorney for defendant
 Fritz Brunz

22
 23 ~~PROPOSED~~ ORDER

24 Having considered the stipulation of the parties, the Court finds that: (1) the defendant
 25 understands and agrees to the exclusion of time from calculations under the Speedy Trial Act, 18
 26 U.S.C. § 3161, from February 23, 2009 through April 1, 2009 based upon the need for the
 27 defense counsel to investigate further the facts of the present case, review the discovery that the
 28

1 government has already provided and evaluate further possible defenses and motions available to
2 the defendant; (2) the exclusion of time is necessary for effective preparation of the defense and
3 is in the defendant's best interests; and (3) the ends of justice are served by excluding from
4 calculations the period from February 23, 2009 through April 1, 2009.

5 Accordingly, the Court further orders that the time from February 23, 2009 through April
6 1, 2009 is excluded from time calculations under the Speedy Trial Act, 18 U.S.C. § 3161 and
7 that the parties appear before United States District Court Judge Jeremy Fogel on April 1, 2009
8 at 9:00 a.m.

9
10 IT IS SO ORDERED.

11 DATED: 3/2/09


THE HONORABLE PATRICIA V. TRUMBULL
United States Magistrate Judge